

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v - :

AFFIRMATION

07 Cr. 769 (JGK)

Cornell Carr, :

Defendant. :

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JENNIFER L. BROWN, Esq., hereby affirms under penalties of perjury pursuant to 28 U.S.C. §1746:

1. I am a staff attorney with the Federal Defenders of New York and trial counsel to the defendant Cornell Carr. I make this affirmation in support of Mr. Carr's motion to suppress post-arrests statements elicited from him. All statements herein are based on information and belief, unless otherwise indicated.

2. Mr. Carr is charged by indictment with one count of illegal possession of a firearm, one count of possession of marijuana with intent to distribute and one count of possession of a firearm in furtherance of drug trafficking.

3. On August 9, 2007, law enforcement officers from the United States Marshals Service and ICE executed a search warrant at 15 West 139th Street. Mr. Carr was present during the search. After finding drugs in the apartment and two firearms outside of the apartment, Mr. Carr was placed under arrest. See Complaint, ¶¶ 3-6, attached as Exhibit A.

4. After being arrested, while in custody, Mr. Carr was questioned by law enforcement officers and made oral statements.

5. Mr. Carr was not read his Miranda warnings prior to being questioned while under arrest. See Affidavit of Cornell Carr, ¶4.

6. All post-arrest statements made by Mr. Carr should therefore be suppressed because such statements were obtained in violation of Mr. Carr's Fifth and Sixth Amendment rights. Miranda v. Arizona, 384 U.S. 436 (1966).

WHEREFORE, it is respectfully requested that the Court issue an ORDER suppressing all post-arrest statements obtained from Mr. Carr in violation of his constitutional rights; or in the alternative that the Court set a hearing on this motion pursuant to Federal Rules of Criminal Procedure 12 and 41.

Dated: New York, New York
December 6, 2007

JENNIFER L. BROWN, ESQ.